

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

THE MENDHAM METHODIST CHURCH,
and THE ZION LUTHERAN CHURCH
LONG VALLEY,

Plaintiffs,

v.

MORRIS COUNTY, NEW JERSEY *et al.*

Defendants.

Civil Action No.
2:23-cv-02347-EP-JSA

**JOINT MOTION TO SET BRIEFING SCHEDULE
AND FOR OTHER RELIEF**

Plaintiffs and Defendants respectfully move jointly to set a briefing schedule governing the parties' forthcoming cross-motions for summary judgment, and for related relief outlined below.

1. On April 28, 2023, Plaintiffs filed this action seeking declaratory and injunctive relief and compensatory damages. ECF 1. Defendants waived service of process. ECF 6, 7, 8, 9, 10. On July 14, 2023, Plaintiffs filed a First Amended Complaint. ECF 11.

2. The parties have met and conferred, and agree that this case presents legal questions that can properly be resolved through dispositive motions, without the need for discovery. The parties accordingly intend to file cross-motions for summary judgment pursuant to Federal Rule of Civil Procedure 56.

3. The parties propose the following agreed schedule for those cross-motions:

- Plaintiffs will file a memorandum in support of their forthcoming motion for summary judgment by August 11, 2023.
- Defendants will file a combined memorandum in support of their own cross-motion for summary judgment, and opposing Plaintiffs' motion, by September 22, 2023.
- Plaintiffs will file a combined reply in support of their motion and opposition to Defendants' cross-motion by October 20, 2023.

4. Because this case presents constitutional questions that can properly be resolved through dispositive motions without discovery, the parties respectfully request that the Court dispense with Local Civil Rule 56.1(a)'s requirement that motions for summary judgment be accompanied by separate statements of undisputed material facts. The parties do not believe that separate statements would serve a useful purpose in this matter. Instead, the parties respectfully request that they be permitted to submit a stipulated statement of material facts along with Plaintiffs' motion for summary judgment by August 11, 2023.

5. For essentially the same reasons described above, the parties respectfully request that the Court also dispense with Defendants' obligation to file an Answer.

CONCLUSION

For the foregoing reasons, the parties jointly move the Court to (1) order the above agreed-on schedule for briefing on the parties' forthcoming cross-motions for summary judgment; (2) dispense with the parties' obligation to file statements of

material fact with their cross-motions for summary judgment; (3) permit the parties to submit a stipulated statement of undisputed material facts in conjunction with Plaintiffs' motion for summary judgment; and (4) dispense with Defendants' obligation to file an Answer.

Dated: July 26, 2023

Respectfully submitted,

John A. Napolitano
Morris County Counsel

By: s/ William G. Johnson
William G. Johnson, Esq.
Special Morris County Counsel

Attorneys for Defendants

s/ Mark Roselli

Mark Roselli
Roselli Griegel Lozier & Lazzaro, PC
1337 Highway 33
Hamilton, New Jersey 08690
Telephone: (609) 586-2257
mroselli@roselligriegel.com

Noel J. Francisco
(application *pro hac vice* pending)
Megan Lacy Owen
(application *pro hac vice* pending)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3939
njfrancisco@jonesday.com
mlacyowen@jonesday.com

J. Benjamin Aguiñaga
(application *pro hac vice* pending)
JONES DAY
2727 N. Harwood St.
Suite 500
Dallas, Texas 75201
Telephone: (214) 220-3939
jbaguinaga@jonesday.com

Jeremy Dys
(application *pro hac vice* pending)
Ryan Gardner
(application *pro hac vice* pending)
First Liberty Institute

2001 W. Plano Pkwy, Suite 1600
Plano, TX 75075
Telephone: (972) 941-4444
jdys@firstliberty.org
rgardner@firstliberty.org

Eric C. Rassbach
(application *pro hac vice* pending)
The Hugh and Hazel Darling Foundation
Religious Liberty Clinic
Pepperdine University Caruso School of Law
24225 Pacific Coast Highway
Malibu, CA 90263
Telephone: (310) 506-4611
eric.rassbach@pepperdine.edu

Attorneys for Plaintiffs
The Mendham Methodist Church and
The Zion Lutheran Church Long Valley

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2023, a copy of the foregoing was filed with the Clerk of Court using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

July 26, 2023

s/ Mark Roselli